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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

VAHRAM DARBINYAN; LILYA YATSENK; EDUARD DARBINYAN, a minor by and through his guardian ad litem, VAHRAM DARBINYAN; and HAYK DARBINYAN, a minor by and through his guardian ad litem, VAHRAM DARBINYAN, Plaintiffs, v. ALLSTATE INSURANCE COMPANY, Defendant.	Case No. 2:17-cv-01209 VAP(Ex) The Hon. Virginia A. Phillips Courtroom 8A (8th Floor) **JOINT RULE 26 REPORT** Date: May 8, 2017 Time: 1:30 p.m. Crtrm.: 8A Complaint Filed: August 10, 2016 Trial Date: TBD

Counsel for Plaintiffs Vahram Darbinyan, Liliya Yatsenko, Eduard Darbinyan and Hayk Darbinyan, minors by and through their guardian ad litem, Vahram Darbinyan (the "Darbinyans") and counsel for Defendant Allstate Northbrook Indemnity Company ("Allstate") hereby submit the following joint report pursuant to Federal Rule of Civil Procedure 26 and Local Rule 26-1. The parties held their Rule 26-1 meeting to prepare the joint conference report on April 3, 2017.

A. JOINT STATEMENT OF THE CASE

On August 3, 2015, the law office of Arman Sahakyan & Associates reported a hit-and-run accident claim to Allstate on behalf of plaintiffs Vahram Darbinyan (aka Eduard), his wife Liliya Yatsenko and their two minor sons, Hayk Darbinyan and Eduard Darbinyan.

On March 1, 2016, the Darbinyans made a time-limits demand for the policy limits for uninsured motorist bodily injury benefits.

On April 6, 2016, Allstate asked for plaintiffs' in-person recorded statements. Plaintiffs declined this request. Yet, they offered to submit to examinations under oath ("EUO").

Allstate then retained coverage counsel to take plaintiffs' EUOs. Allstate's coverage counsel was unable to immediately set the EUOs. During this time, he was involved with other trials.

On August 11, 2016, Allstate's coverage counsel wrote to request plaintiffs' EUOs for September 7, 2016. On August 24, 2016, plaintiffs' counsel advised that plaintiffs would no longer agree to participate in EUOs. They advised that a lawsuit has been filed against Allstate as of August 10, 2016. They alleged that it would be burdensome and oppressive for plaintiffs to appear both for their EUOs and depositions during the litigation.

On August 10, 2016, plaintiffs filed a complaint against Allstate Insurance Company. The adult plaintiffs then applied for Court authority to represent the minors in the litigation.

Allstate disagreed with plaintiffs' position regarding their EUOs. On October 11, 2016, Allstate denied any claim for alleged non-cooperation. Plaintiffs dispute Allstate's allegations of non-cooperation.

On November 9, 2016, plaintiffs served Allstate Insurance Company with their lawsuit for breach of contract, bad faith and alleged violations of Business and Professions Code Section 17200. The parties then met and conferred.

On December 7, 2016, plaintiffs served an amended complaint with the correct defendant, Allstate Northbrook Indemnity Company. They also dismissed B&P Section 17200 cause of action.

On December 9, 2016, Allstate answered the complaint and served written discovery. On February 6, 2017, plaintiffs served their response to Allstate's request for a statement of damages. They claimed damages in excess of $75,000 for each of the separate plaintiffs.

On February 15, 2017, Allstate removed this lawsuit to federal court. Allstate contends that diversity jurisdiction exists under 28 U.S.C. Section 1441.

B. DISCOVERY PLAN

Pursuant to Rule 26(f)(3), the parties make the following representations regarding discovery.

1. **Proposed Joint Discovery Timeline**

After meeting and conferring, the parties agree to a joint discovery timeline as follows:

a. **Rule 26 Disclosures**

On May 10, 2017,o the parties will produce their Rule 26 documents. Also on May 10, 2017, the parties will provide their Rule 26 witness disclosures

b. **Discovery**

The parties agree to the completion of discovery by October 31, 2017.

c. **Mediation**

Plaintiffs request that the parties be set for a court mediation. Allstate contends that a court mediation would not be effective. Thus, the parties have not reached an agreement regarding the proper means to mediate the case.

d. **Expert Disclosures**

The parties agree to set a date for initial and rebuttal expert disclosures based upon the date the Court sets for the trial and the Federal Rules of Civil Procedure.

e. **Proposed Motion Discovery Cut-Off**

By December 11, 2017, all discovery motions, motions for judgment on the pleadings and motions for summary judgment shall be heard. Motions may be heard any time before this date.

Allstate anticipates filing a motion for summary judgment. In the alternative, it anticipates filing a motion for partial summary judgment. The Darbinyans will oppose this motion.

The Darbinyans may also file a motion for summary judgment or partial summary judgment. Allstate will oppose such a motion.

f. **Proposed Trial Date**

If the Court adopts the proposed schedule, the parties propose that the Court set a trial date for the second week of February 2018.

2. **Changes to the Rule 26(a) Disclosure Rules**. (Rule 26(a)(f)(3)(A))

The parties will comply with the pretrial disclosure requirements under Rule 26(a) and the Court's scheduling order. The parties agree that no changes are needed in the timing, form or the requirements for their disclosures.

3. **Subjects and Timing of Discovery**. (Rule 26(a)(f)(3)(B))

Pursuant to Rule 26(f)(3)(B), the parties request that the Court adopt the discovery schedule above.

4. **Issues Regarding Disclosure and ESI**. (Rule 26(a)(f)(3)(C))

The parties do not presently anticipate any problems in disclosing records or producing their electronically stored information ("ESI"). Allstate will produce a copy of the non-privileged claim file. This will include the non-privileged claim notes, claim documents and e-mails.

Plaintiff will also produce any non-privileged electronically stored information regarding the loss. This will include non-privileged e-mails.

5. **Privileged Information**. (Rule 26(a)(f)(3)(C))

With the exception of communications after the date Plaintiffs filed their lawsuit, all privileged communications will be described in a privilege log.

6. **Changes to the Limitations on Discovery**. (Rule 26(a)(f)(3)(D))

The parties agree that no changes are needed for the following: (1) the time limit for depositions and (2) the 10-deposition limit under Rule 30(a)(2)(A)(1). The parties agree that each party has the right to serve 25 interrogatories in federal court.

7. **Other Issues**. (Rule 26(a)(f)(3)(E))

Allstate's counsel had a court in another case move a motion for summary judgement hearing date. Allstate requests either a one-week hearing continuance or the right to appear by phone. The parties provide the following responses to the categories of information set forth in Local Rule 26-1.

C. Complex Cases.

The parties agreed that the case is not a complex case and does not need to be designated accordingly.

D. ADR.

The parties have discussed with its or his clients the appropriate ADR options. The parties will agree to a mediation before a private mediator in satisfaction of the Local Rule 16-15.4 requirements.

E. Trial Estimate.

Plaintiffs propose a trial length of 10-14 days. Allstate believes that a trial only needs to be between 5-7 days.

F. Expert Witnesses

If the Court does not adopt the party's proposed schedule, the parties have agreed their proposed expert report disclosure deadlines under Federal Rule of Civil Procedure 26(a)(2) will be per code.

Dated: April 17, 2017

BELORYAN & MANUKYAN LLP

By s/ Arman Saakyan
ARMAN SAAKYAN

Attorneys for Plaintiffs Vahram Darbinyan; Liliya Yatsenko; Eduard Darbinyan and Hayk Darbinyan, minors by and through their guardian ad litem, Vahram Darbinyan

Dated: April 17, 2017

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By s/ John D. Edson
JOHN D. EDSON

Attorneys for Allstate Northbrook Indemnity Co.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on April 17, 2017, I caused to be electronically filed a true and correct copy of the foregoing document(s) with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all other parties appearing below and on the docket sheet.

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s/ John D. Edson

JOHN D. EDSON